

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:04CV46  
(1:01CR45 & 3:01CR11-3)**

**PHILIP B. GREER,**

**Petitioner,**

**Vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

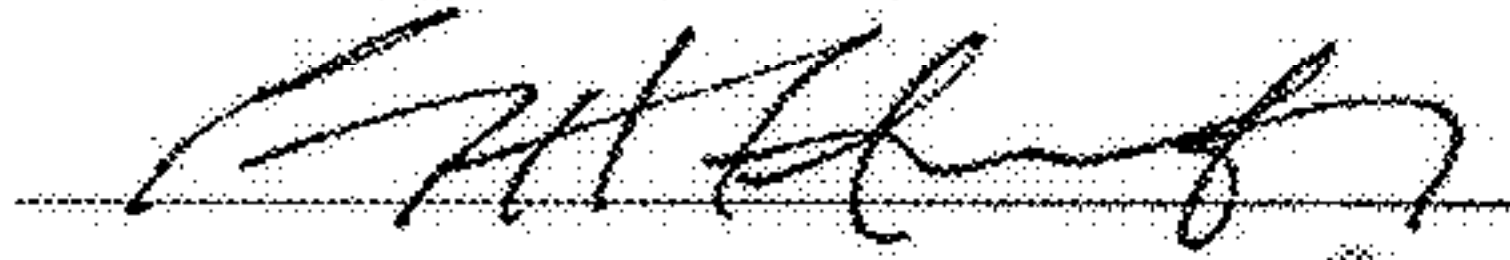
**ORDER**

**THIS MATTER** is before the Court on the Petitioner's request for a certificate of appealability.

An appeal may not be taken to the court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. **28 U.S.C. § 2253(c)(1)(B).** Such a certificate may not issue unless the applicant has made a substantial showing of the denial of a constitutional right. **28 U.S.C. § 2253(c)(2).** The Petitioner has not made such a showing.

**IT IS, THEREFORE, ORDERED** that the Petitioner's motion for a certificate of appealability is hereby **DENIED**.

**Signed: September 8, 2005**

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

